

Environmental assessments (EAs) in transition

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Transitional environmental assessments are EAs submitted before December 31, 1997. These EAs were prepared to meet the requirements of the Environmental Assessment Act prior to amendments that came into effect January 1, 1997.
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On January 1, 1997, following extensive consultation, the *Environmental Assessment and Consultation Improvement Act, 1996*, came into force in Ontario to amend the *Environmental Assessment Act*. The new act provides a fresh approach to environmental assessment in the province. It makes the EA process, first introduced in 1975, less costly, more timely and easier for people to participate in, while it continues to provide high-quality environmental protection.

The new act contains a special provision to manage the transition process between the old and the amended acts. It provides guidance for those proposing a project (the proponents), government agencies and other affected or interested groups and individuals

How are transitional EAs managed?

A transitional environmental assessment is an EA submitted before January 1, 1997, or one submitted during 1997, if the proponent has notified the Minister of the Environment in writing, requesting that the transition provision in the new act apply. This provision applies only to EAs submitted before December 31, 1997.

How does the transition process work?

Some features of the new act apply to transitional EAs. These are:

- The notice of acceptance step that existed under the old EA Act provided for a public comment period. This has been replaced with new provisions for mandatory public consultation on the EA when it is submitted.
 - Concurrent review — a proponent will run a newspaper advertisement indicating an EA has been submitted to the Ministry of the Environment for review and approval and advising that the EA is available for public comment, at the same time as it is under review by government agencies.
 - Any person may request that the whole EA or certain particular issues related to the EA be referred to a hearing.
- If a proponent or a member of the public does not want any of these features to apply, they must advise the ministry in writing, outlining the reasons why their requests should be granted.
- A proponent may ask the ministry, in writing, to consider applying other features of the new act to an EA, including those covering mediation, and activities permitted prior to approval of a project, such as property acquisition and the establishment of reserve funds.

What does a proponent have to do?

A proponent submitting an EA prior to December 31, 1997, must include the following information in the submission to the ministry.

- 1) An environmental assessment;
- 2) A covering letter notifying the ministry whether or not the transition provision of the new EA act should apply.
- 3) A draft notice of submission and related materials.

The ministry will advise the proponent on how the transition provision will apply to that particular EA.

How does the public get involved in a transitional EA?

- The ministry encourages early public involvement. Attend public meetings and make your views known to the proponent or their consultants.
- When the EA has been submitted and the comment period begins, read the EA and submit written comments to the ministry and proponent on:
 - the application of transition provisions as outlined above
 - the proposed project as described in the EA
- Once the government's review of the EA has been published, read it carefully and submit written comments to the ministry on:
 - the environmental assessment
 - the government's review of the EA
 - whether or not you believe a hearing is necessary to address your concerns
- If the EA is going through the old two-step decision process (i.e. notice of acceptance), submit written comments to the Minister and proponent during the notice of acceptance comment period on:
 - whether or not you believe a hearing is still necessary to address your concerns
- When the minister makes a decision, the public will be notified.
- If the minister decides to refer the issue to a hearing, the public will again have an opportunity to participate.
- Members of the public may request at any time, up until the approval of a project, that the Minister send outstanding, environmentally contentious issues to mediation.

For more information

If you require more information about transitional EAs or the new *Environmental Assessment and Consultation Improvement Act*, 1996, please contact:

Environmental Assessment Branch
Ministry of the Environment
250 Davisville Ave., 5th Floor
Toronto, Ont. M4S 1H2
Tel: 416-440-3450

You may also write to the Minister of the Environment at:

Minister of the Environment
135 St. Clair Ave. W., Suite 100
Toronto, Ontario M4V 1P5

